It excludes establishment charges of investigation staff, besides Hotel charges abroad paid by the Indian Mission.

Restoration of One-Third Pension

1341. SHRI PARAG CHALIHA: Will the PRIME MINISTER be pleased to state:

(a) whether a final decision has been taken by Government for the restoration one third-pension of those pensioners who took hundred per cent commutation of pensionary benefits before being absorbed in public sector undertakings, etc., as decreed by the Supreme Court last year;

(b) if so, the details thereof; and

(c) if not, the reasons for the delay and by when the decision is likely to be taken?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) and (b) Yes, Sir. Orders in implementation of the Supreme Court Judgement have been issued by the Department of Pension & Pensioners' Welfare vide O.M. No. 4/3/86-P&PW(D) dated 30.9.96 and a copy of the same is enclosed as statement (*See* below).

(c) Does not arise in view of the reply to (a) and (b) above.

Statement

Copy of orders in implementation of Supreme Court's Judgement

No. 4/3/86-P&PW (D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Pension & Pensioners' Welfare)
New Delhi, dated the 30th Sept., 1996
OFFICE MEMORANDUM

Subject:—Restoration of one-third commuted portion of pension after 15 years from the date of commutation in respect of the Government servants who had drawn lumpsum amount on their absorption in a Public Sector Undertaking/autonomous body—implementation of the Judgement of the Supreme Court—

The undersigned is directed to say that in accordance with the provisions of this Department's O.M. No. 34/2/86-P&PW dated 5th March 87, Central Govt. pensioners who have commuted a portion of their pension are entitled to the restoration of the commuted portion of pension on the expiry of 15 years from the date of commutation. These orders were issued as a result of the Supreme Court Judgement dated 9.12.86 in Writ Petition No. 3958-61 of 1983 viz. "Common Cause" case. Para 4 of the said O.M. stipulates that Central Govt. employees who got themselves absorbed under Central Public Sector Undertakings/autonomous bodies and received/or opted to receive commuted value of 1/3rd of pension as well as terminal benefits equal to the commuted value of the balance amount of pension left after commuting 1/3rd of pension would not be entitled to any benefit under these orders as they ceased to be Central Govt. pensioners.

2. The Supreme Court of India in its Judgement dated 15.12.95 in Writ Petition (C) No. 11855/85 while quashing para 4 of the O.M. dated 5.3.87 *ibid* have ruled that the petitioners who had commuted full pension are also entitled to the benefit as given by Supreme Court of India in the "Common Cause" case so far as it related to restoration of 1/3rd of the commuted pension.

3. The question regarding implementation of the Supreme Court Judgement has been under consideration of the Govt. The President has now been pleased to decide that para 4 of the O.M. dated 5th

March 1987 shall be deemed to have been deleted. Accordingly, the benefit of the restoration of commuted pension shall be admissible to all those Govt. servants who had been absorbed in public sector undertakings/autonomous/statutory bodies notwithstanding the fact that having commuted the full pension they were not in receipt of any monthly pension.

4. The Armed Forces Personnel including officers under their Service Regulations are entitled to commutation of 45%/43% of their pension on their retirement in normal cases instead of 1/3rd commutation of pension that is admissible in the case of civilian Govt. servants. Accordingly, the Armed Forces Personnel who had commuted full pension shall be entitled to the restoration of 45% of their pension and the officers in the Armed Forces shall be entitled to the restoration of 43% of their pension in accordance with the above procedure.

5. All the concerned Central Govt. absorbees in a PSU/autonomous body etc. shall have to formally apply to the respective administrative Ministry/Deptt./Office from where they had retired and were paid lumpsum commuted value of pension for the purpose of getting benefit of this O.M.

6. Since no PPO had been issued in their case as they had drawn lumpsum payment and were not entitled to the drawal of monthly pension, the concerned Administrative Ministry/Deptt./Office shall, after verification of the claims from the relevant records, issue suitable instructions to their Pay & Accounts Officer for issue of P.P.Os through the normal channel viz., the Central Pension Accounting Office.

7. In cases where the absorbee Govt. servant had completed 15 years from the date of commutation on 1.4.85 or thereafter and had died subsequently, his/her legal heir(s) is/are entitled to receive arrears w.e.f. 1.4.85 or from the date of completion of 15 years from the date of commutation, which is later, till the date of the absorbee's death. For this purpose, legal heir(s) shall have to apply to the concerned administrative Ministry/Deptt./Office from where the absorbee had retired for settlement of the case.

8. Administrative Ministries/Deptts. are also requested to note that restoration of 1/3rd commuted portion of pension in the case of absorbees would not make the family member(s) of the absorbee eligible to claim family pension from the Central Govt. because the entitlement to family pension on absorption of a Govt. servant is governed by a separate set of instructions on the subject. It is therefore to be ensured by the Administrative Ministries/Deptts. etc. that no mention about payment of family pension from the Central Govt. in respect of family members(s) of an absorbee should be made in the PPO.

9. This issues with the concurrence of the Ministry of Finance (Deptt. of Expenditure) *vide* their D.O. No. 878/EV/96 dated 30.9.1996.

10. Hindi version of this O.M. is also enclosed.

(SUDHA P. RAO)
DIRECTOR

To

All Ministries/Deptts. of the Govt. of India
(as per standard mailing list)

Handing over of Bofors Documents by Swiss Federal Police

1342. PROF. VIJAY KUMAR MALHOTRA:
SHRI RAJ NATH SINGH:
PROF. RAM KAPSE:
SHRIMATI MALTI SHARMA:

Will the PRIME MINISTER be pleased to state:

(a) whether the Swiss Federal Police have handed over the 'crucial documents about the Bofors kickback' case to the